Appl: 10/079,605 Docket: 435712003521

Sent By: BRONCUS TECHNOLOGIES;

Reply to Office Action dated: June 9, 2004

Date: November 9, 2004

#### **REMARKS:**

Claim 2 is cancelled. Claims 7-10, 12, 17, 22-26 were withdrawn. Claim 29 is allowed. Claims 1-6, 11, 13-16, 18-21, and 30-31 are pending in this application. Claims 1, 30, and 31 are amended hercin. Support for these amendments may be found in the application as filed. Applicant believes that no new matter is being introduced by way of this amendment.

Applicant wishes to express gratitude to the Examiner for the indication of allowance of claim 29, and the indication that the subject matter of claim 2 would be allowable if amended to include the base claim. Applicant amended claim 2 in independent form as newly amended claim 1. Applicant also requests that the claims previously withdrawn are now reentered in view of claim 1 as amended.

#### 35 USC §103:

The office action rejected claims 1, 11, 13-15, 18-21, 27, 30, and 31 under 35 USC 103(a) as being unpatentable over Colley et al. (US 4,319,580) in view of Webster, Jr. (US 5,916,158). The office action rejected claim 16 under 35 USC 103(a) as being unpatentable over Colley et al. (US 4,319.580) in view of Webster, Jr. (US 5,916,158), in further view of Gross (US 5,042,981) and Laufer et al. (US 6,135,997).

Applicant disagrees with the rejection of the above claims. However, to expedite the prosecution of the case, applicant is amending the subject case as indicated above. Applicant reserves the right to pursue the original subject matter in a continuing application.

With regards to claims 30 and 31, in view of the amendments herein, applicant believes that this rejection no longer applies.

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### **SUMMARY**

Applicant believes all outstanding issue raised in the previous Office Action are addressed herein and that the claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, a telephone call to the undersigned at (650) 428-1600 will be appreciated.

Respectfully submitted,

Sanjay S. Bagade Reg. No. 42,280

Broncus Technologies Inc. 1400 N. Shoreline Blvd. Suite A8 Mountain View, CA 94043 (650) 428-1600

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